

The latest on Kobach’s lawsuit against Pfizer

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Topeka Capital-Journal
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A federal judge has sent Attorney General Kris Kobach’s lawsuit against Pfizer over the marketing of its COVID-19 vaccine back to a state court.

Kobach originally filed the lawsuit in June 2024 against Pfizer in Thomas County District Court alleging violations of the Kansas Consumer Protection Act. Pfizer removed the case to federal court in Wichita, but it will go back to Thomas County unless an appeals court reverses the decision.

“This case belongs in state court,” wrote U.S. District Judge Daniel Crabtree in a May 14 decision. He said of Pfizer’s three arguments for federal jurisdiction that “none persuade the court that it has the power to adjudicate this case.”

Pfizer filed a notice of appeal to the 10th U.S. Circuit Court of Appeals the same day.

“This victory is the first step in bringing justice to the Kansans who were misled by the false statements made by Pfizer regarding the health risks of its COVID vaccine,” Kobach said in a statement. “The case will now proceed in state court, which is where a claim under the Kansas Consumer Protection Act belongs.”

Crabtree summarized the case as: “In a nutshell, plaintiff’s suit alleges that defendant waged a misinformation campaign by promoting ‘false, misleading, and deceptive’ statements about its COVID-19 vaccine and its efficacy.” Pfizer maintained in court documents that it developed and sold “to the government a safe and effective COVID-19 vaccine.”

The attorney general’s office has been assisted on the case by the James Otis Law Group, a firm that Kobach contracted with after issuing a request for proposals on a secretive pharmaceutical case. That St. Louis-based law firm was the only bidder to respond to the RFP. It was founded by Dean John Sauer, who is now the U.S. solicitor general.

The law firm’s contract sets a 20% contingency fee, and the state is re-



Kansas Attorney General Kris Kobach sued Pfizer over its marketing of the COVID-19 vaccine. A federal judge sent the case back to state court.

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U.S. District Judge Daniel Crabtree

sponsible for certain costs and expenses of the litigation.

When he announced the lawsuit in June, Kobach declined to say whether he had gotten the Pfizer vaccine.

“Whether I’ve received the vaccination is irrelevant to the lawsuit,” he said. “It’s not about me. It’s about the statements that were made to the people of Kansas.”

Jason Alatidd is a Statehouse reporter for The Topeka Capital-Journal. He can be reached by email at jalatidd@gannett.com. Follow him on X @Jason_Alatidd.

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